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Agenda item 115

Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled:

"Elimination of racism and racial discrimination:

(a) Elimination of racism and racial discrimination;

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 24th to 29th, 33rd, 36th, 52nd and 60th meetings, on 24 and from 27 to 31 October and on 5, 7, 20 and 28 November 2003. At its 24th to 29th meetings, the Committee held a general discussion jointly on item 115 and item 116, entitled "Right of peoples to self-determination". An account of the Committee's discussion is contained in the relevant summary records (A/C.3/58/SR.24-29, 33, 36, 52 and 60).

3. For its consideration of the item, the Committee had before it the following documents:

Item 115
Elimination of racism and racial discrimination

Relevant section of the report of the Economic and Social Council for 2003[1]

[1] A/58/3 (Parts I and II); for the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 3* (A/58/3/Rev.1).

03-64532 (E) 161203

Letter dated 30 October 2003 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting a statement and decision of the Russian Duma on human rights violations and rights of minorities in Latvia (A/C.3/58/7)

Item 115 (a)
Elimination of racism and racial discrimination

Report of the Committee on the Elimination of Racial Discrimination on its sixty-second and sixty-third sessions[2]

Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/58/80-E/2003/71)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/58/313)

Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2004-2005[3]

Item 115 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/58/324)

Note by the Secretary-General (A/58/331)

4. At the 24th meeting, on 24 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/58/SR.24).

5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made an introductory statement under sub-item (a) (see A/C.3/58/SR.24).

6. Also at the 24th meeting, the Committee engaged in a dialogue with the above-mentioned speakers, in which the representatives of Italy, Egypt, Canada, the Syrian Arab Republic, the Sudan, Cuba, Côte d'Ivoire, Guyana, Benin, Pakistan, Israel and the Islamic Republic of Iran took part (see A/C.3/58/SR.24).

[2] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18).
[3] Ibid., *Supplement No. 7* and corrigendum (A/58/7 and Corr.1).

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.33 and Rev.1

7. At the 33rd meeting, on 5 November, the representative of Brazil, on behalf of Argentina, Brazil, Chile, Cuba, the Dominican Republic, El Salvador, Guatemala, Mexico, Paraguay, Peru, Timor-Leste and Uruguay, introduced a draft resolution entitled "The incompatibility between democracy and racism" (A/C.3/58/L.33). Subsequently, Ecuador joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Guided* by the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

"*Recalling* the commitment reached in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

"*Recalling also* the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

"*Taking note* of Commission on Human Rights resolutions 2000/40 of 20 April 2000, 2001/43 of 23 April 2001, 2002/39 of 23 April 2002 and 2003/41 of 23 April 2003,

"*Mindful* of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter alia, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

"*Reaffirming* that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

"*Alarmed* by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

"*Recognizing* the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

"1. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination as incompatible with democracy and transparent and accountable governance;

"2. *Also condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

"3. *Affirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

"4. *Affirms also* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

"5. *Condemns* the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and states that these phenomena can never be justified in any instance or in any circumstances;

"6. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance, and in that regard recommends measures such as introducing or reinforcing human rights education in schools and in institutions of higher education;

"7. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote solidarity, tolerance and respect, inter alia, by developing voluntary codes of conduct that include internal disciplinary measures for violations thereof so that their members must refrain from public statements and actions that encourage or incite racism, racial discrimination and related intolerance;

"8. *Invites* the Inter-Parliamentary Union to encourage debate in, and action by, parliaments on various measures, including laws and policies, to combat racism, racial discrimination, xenophobia and related intolerance;

"9. *Invites* the mechanisms of the Commission on Human Rights and the treaty bodies to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

"10. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the incompatibility between democracy and racism;

"11. *Also takes note* of the outcome of the expert seminar held by the Office of the United Nations High Commissioner for Human Rights in Geneva in November 2002 on the interdependence between democracy and human rights;

"12. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to update and expand the study on the issue of political platforms that promote or incite racial discrimination and to submit it to the General Assembly at its fifty-ninth session;

"13. *Decides* to continue consideration of the matter at its fifty-ninth session under the same agenda item."

8. At its 52nd meeting, on 20 November, the Committee had before it a revised draft resolution (A/C.3/58/L.33/Rev.1) submitted by the sponsors of draft resolution A/C.3/58/L.33, joined by Andorra, Barbados, Bolivia, the Democratic People's Republic of Korea, Haiti, Kenya and Monaco.

9. At the same meeting, the representative of Brazil orally revised operative paragraph 5 of the draft resolution by replacing the words "Jewish, Muslim, Arab and other communities" by the words "Jewish, Muslim and Arab communities, as well as communities of people of African descent, communities of people of Asian descent and other communities".

10. Also at the same meeting, the representative of Malaysia proposed an amendment to operative paragraph 5, by which the words "Jewish, Muslim and Arab" would be replaced by the words "Arab, Jewish and Muslim".

11. Also at its 52nd meeting, the Committee adopted the draft resolution, as orally revised and amended, without a vote (see para. 24, draft resolution I).

12. At the same meeting, the representatives of Liechtenstein (on behalf also of Australia, New Zealand and Switzerland), Brazil, the Sudan, New Zealand, Cuba, Benin, Argentina and the United States of America made statements after the adoption of the draft resolution (see A/C.3/58/SR.52).

B. Draft resolution A/C.3/58/L.34

13. At the 36th meeting, on 7 November, the representative of Morocco, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, subsequently joined by Mexico, introduced a draft resolution entitled "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/58/L.34), which read:

"World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"*The General Assembly*,

"*Recalling* its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

"*Recalling also* its resolution 57/195 of 18 December 2002, by which it outlined the important roles and responsibilities of the various organs of the United Nations, including the Commission on Human Rights as the relevant subsidiary body of the Economic and Social Council,

"*Recalling further* Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

"*Stressing* that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

"*Reaffirming its firm determination and its commitment* to eradicate totally and unconditionally racism and racial discrimination and its conviction that racism and racial discrimination constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

"*Stressing* the need for maintaining political will and momentum at the national, regional and international levels to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

"*Recognizing* that the successful implementation of the Programme of Action requires political will, international cooperation and adequate funding at the national, regional and international levels,

"*Deeply concerned* that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"*Alarmed*, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Recognizing* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

"*Emphasizing* that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

"*Welcoming* all the positive developments that have taken place within the framework of the Commission on Human Rights, through its intersessional working groups and other mechanisms specifically created for the effective implementation of the Durban Declaration and Programme of Action,

"*Endorsing* the Secretary-General's appointment of members of the eminent persons group to follow up the implementation of the Durban Declaration and Programme of Action,

"*Welcoming* the final nomination to the Working Group of Experts on People of African Descent, which completed the membership of the Working Group,

"*Welcoming also* all the regional initiatives being undertaken to implement the Durban commitments, and in this context expressing its appreciation to the Governments of Mexico, Kenya and the Czech Republic for hosting the regional expert seminars with a view to the implementation of the Durban Declaration and Programme of Action within their respective regions, and encouraging other regions to take the necessary action in this regard,

"*Expressing its deep alarm* at the increasing incidents of racism in various sporting events,

"I

Basic general principles

"1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

"4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"5. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such

motivations are considered an aggravating factor for the purposes of sentencing to prevent those crimes from going unpunished and to ensure the rule of law;

"6. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"7. *Condemns* the misuse of print, audio-visual and electronic media and new communications technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action, in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

"8. *Condemns also* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

"9. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"II

International Convention on the Elimination of All Forms of Racial Discrimination

"10. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

"11. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

"12. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the

Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"13. *Notes* that the Committee on the Elimination of Racial Discrimination holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"14. *Welcomes* the emphasis placed by the Committee on the Elimination of Racial Discrimination on the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"15. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"III

Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"16. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

"17. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"18. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"19. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

"20. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

"21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"22. *Reaffirms* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

"23. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

"24. *Invites* all human rights treaty-monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of their respective mandates;

"25. *Endorses* the recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, adopted by consensus on 21 March 2003, and calls for the full and effective implementation of those recommendations by all stakeholders;

"26. *Encourages* the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to continue its future sessions on the basis of the thematic approach adopted during its last session, focusing on the critical areas affecting the well-being of the victims of racism, and notes with appreciation that to this end the next session of the Working Group will analyse the themes relating to poverty eradication;

"27. *Welcomes* the decision by the Government of Chile to continue to chair the future sessions of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also notes with appreciation the renewal of the mandate of the Working Group for an initial period of three years;

"28. *Welcomes* also the recommendations of the Working Group of Experts on People of African Descent and takes note of the programme of work for the future sessions of the Working Group, adopted at its session held from 1 to 10 October 2003;

"29. *Notes with appreciation* the renewal of the mandate of the Working Group of Experts on People of African Descent for an initial period of three years;

"30. *Endorses* the adjustments effected by the Commission on Human Rights to the mandate of the Working Group of Experts on People of African Descent through its resolution 2003/30 of 23 April 2003;

"31. *Welcomes* the substantive outcome of the inaugural session of the eminent persons group, held in Geneva from 16 to 18 September 2003, with

the participation of representatives of Member States, the United Nations system and civil society;

"32. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 1 July 2003 and invites all States that have not yet done so to consider acceding to that important instrument;

"33. *Notes with satisfaction* the progress made during the first and second sessions of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, held in New York from 29 July to 9 August 2002 and 15 to 26 July 2003;

"34. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the United Nations High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

"35. *Expresses its deep concern* at the poor level of support and the general lack of leadership provided by the Anti-Discrimination Unit to the mechanisms created by the Commission on Human Rights to follow up the implementation of the Durban Declaration and Programme of Action, and calls on the Office of the United Nations High Commissioner for Human Rights to accord priority to the work of the Anti-Discrimination Unit, including its proper and permanent staffing;

"IV
Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

"36. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action, and calls for its full implementation at the national, regional and international levels;

"37. *Decides*, after considering the report of the Secretary-General on the extent of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to close the Third Decade;

"38. *Decides also*, as part of the activities to combat racism, racial discrimination, xenophobia and related intolerance, to place emphasis on the concrete implementation on the Durban Declaration and Programme of Action as the only basis for a broad-based consensus on the importance of the struggle for non-racialism worldwide;

"V

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

"39. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

"40. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

"41. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

"42. *Also requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

"43. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

"44. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

"45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session;

"47. *Takes note with appreciation* of the recommendations contained in the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages the continuation of his work;

"48. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur, and calls on other relevant stakeholders to implement those recommendations;

"49. *Calls on* the Special Rapporteur, in the execution of his mandate, to pay special attention to the growing incidents of racism in various sporting events, and in this context to explore the possibility of introducing a racial equality index;

"VI
General

"50. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-ninth session;

"51. *Decides* to remain seized of this important matter under the agenda item entitled 'Elimination of racism and racial discrimination' at its fifty-ninth session."

14. At the 60th meeting, on 28 November, the Secretary of the Committee read out a statement by the Director of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Accounts in connection with the draft resolution (see A/C.3/58/SR.60).

15. At the same meeting, the representative of Morocco orally revised the draft resolution.

16. Also at the same meeting, the representative of Italy requested a separate vote on operative paragraph 31 of the draft resolution. The Chairman announced that the Committee would vote on paragraph 31 and then proceed to a vote on the draft resolution as a whole, regardless of whether a vote on the text as a whole was requested.

17. The representative of the United States of America made a statement (see A/C.3/58/SR.60).

18. Also at the 60th meeting, the Committee adopted operative paragraph 31 of the draft resolution by a recorded vote of 105 to 40, with 8 abstentions. The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Lithuania,

Luxembourg, Malta, Monaco, Netherlands, Poland, Portugal, Republic of Korea, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Iceland, Kazakhstan, Liechtenstein, New Zealand, Norway, Switzerland, Ukraine.

19. After the adoption of paragraph 31, the Chairman invited the Committee to take action on the draft resolution as a whole, in accordance with rule 129 of the rules of procedure of the General Assembly.

20. Also at the 60th meeting, the Committee adopted draft resolution A/C.3/58/L.34 as a whole, as orally revised by a recorded vote of 155 to 2, with 2 abstentions (see para. 24, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada.

21. Statements in explanation of vote were made after the vote by the representatives of the United States of America and Israel (see A/C.3/58/SR.60).

22. The representative of Morocco also made a statement (see A/C.3/58/SR.60).

C. Draft decision proposed by the Chairman

23. At its 60th meeting, on 28 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 25):

(a) Report of the Committee on the Elimination of Racial Discrimination;[4]

(b) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/58/324).

[4] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18).

III. Recommendations of the Third Committee

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
The incompatibility between democracy and racism

The General Assembly,

Guided by the Universal Declaration of Human Rights,[1] the Charter of the United Nations, the International Covenants on Human Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination,[3]

Recalling the commitment reached in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[4] concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[5]

Taking note of Commission on Human Rights resolution 2003/41 of 23 April 2003,[6]

Mindful of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter alia, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Recognizing the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] A/CONF.157/24 (Part I), chap. III.

[5] See A/CONF.189/12 and Corr.1, chap. I.

[6] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

2. *Affirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

3. *Affirms also* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

4. *Condemns* the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and states that these phenomena can never be justified in any instance or in any circumstances;

5. *Recognizes with deep concern* the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Arab, Jewish and Muslim communities, as well as communities of people of African descent, communities of people of Asian descent and other communities;

6. *Emphasizes* that the elimination of all forms of discrimination, especially gender, ethnic and racial discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of persons of indigenous origins and members of indigenous communities and migrants, and respect for ethnic, cultural and religious diversity contribute to strengthening and promoting democracy and political participation;

7. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance, and in that regard recommends measures such as introducing or reinforcing human rights education in schools and in institutions of higher education;

8. *Also urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

9. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening and promoting democracy by combating racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote solidarity, tolerance and respect, inter alia, by developing voluntary codes of conduct, including internal disciplinary measures for violations thereof, so their members refrain from public statements and actions that encourage or incite racism, racial discrimination and related intolerance;

10. *Invites* the Inter-Parliamentary Union and other relevant inter-parliamentary organizations to encourage debate in, and action by, parliaments on various measures, including laws and policies, to combat racism, racial discrimination, xenophobia and related intolerance;

11. *Invites* the mechanisms of the Commission on Human Rights and the treaty bodies to continue to pay particular attention to violations of human rights

stemming from the rise of racism and xenophobia in political circles and society at large, with due consideration to a gender perspective, especially as regards their incompatibility with democracy;

12. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the incompatibility between democracy and racism;[7]

13. *Also takes note* of the outcome of the expert seminar held by the Office of the United Nations High Commissioner for Human Rights at Geneva on 25 and 26 November 2002 on the interdependence between democracy and human rights;[8]

14. *Invites* the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to submit to the General Assembly the study on the issue of political platforms that promote or incite racial discrimination, as requested by the Commission on Human Rights in its resolution 2003/41,[6] updated and expanded as appropriate;

15. *Decides* to continue consideration of the matter at its fifty-ninth session under the item entitled "Elimination of racism and racial discrimination".

[7] E/CN.4/2003/62 and Add.1.

[8] See E/CN.4/2003/59.

Draft resolution II
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001,[1] as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Recalling also its resolution 57/195 of 18 December 2002, by which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights,

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002[2] and 2003/30 of 23 April 2003,[3]

Stressing that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[4] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Recognizing that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political and other opinion, social origin, property, birth and other status,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Reaffirming its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming also that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[5] are of paramount importance for the promotion of equality and non-discrimination in the world,

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[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] A/CONF.157/24 (Part I), chap. III.

[5] Resolution 2106 A (XX), annex.

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination, and its conviction that racism and racial discrimination constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[6]

Recognizing that the successful implementation of the Durban Programme of Action requires political will, international cooperation and adequate funding at the national, regional and international levels,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

Deeply concerned about the misuse, by those advocating racism and racial discrimination, of new communication technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

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[6] Resolution 217 A (III).

Noting developments that have occurred within the framework of the Commission on Human Rights through its intersessional working groups and other mechanisms created for the effective implementation of the Durban Declaration and Programme of Action, in particular the work of the group of independent eminent experts, the Working Group of Experts on People of African Descent and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,

Welcoming all the regional initiatives being undertaken to implement the Durban commitments, and in this context expressing its appreciation to the Governments of Mexico, Kenya and the Czech Republic for hosting the regional expert seminars with a view to the implementation of the Durban Declaration and Programme of Action within their respective regions, and encouraging other regions to take the necessary action in this regard,

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing to prevent those crimes from going unpunished and to ensure the rule of law;

7. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

8. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this

form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

9. *Condemns also* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

10. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

11. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

12. *Expresses its concern* at the increasing incidents of racism in various sporting events;

13. *Notes with appreciation* the efforts being made by some sporting governing bodies to combat racism, and encourages other such bodies to take similar actions;

II
International Convention on the Elimination of All Forms of Racial Discrimination

14. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination[5] as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

15. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

16. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[6] and article 5 of the Convention;

17. *Notes* that the Committee on the Elimination of Racial Discrimination holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as

outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

18. *Welcomes* the emphasis placed by the Committee on the Elimination of Racial Discrimination on the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[7]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

19. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

20. *Also emphasizes*, in that context, the fundamental and complementary role of national human rights institutions, regional bodies and centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

21. *Calls upon* States to elaborate action plans, in consultation with national human rights institutions, other institutions created by law to combat racism, and civil society, and to provide the United Nations High Commissioner for Human Rights with such action plans and other relevant materials on measures taken to implement the provisions of the Durban Declaration and Programme of Action;

22. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

23. *Urges* States to support the activities of existing regional bodies and centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies or centres in all regions where they do not exist;

24. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

25. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

26. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the

[7] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

27. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

28. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

29. *Invites* all human rights treaty-monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of their respective mandates;

30. *Reaffirms* that the Economic and Social Council shall oversee the system-wide coordination of the implementation of the Durban Declaration and Programme of Action;

31. *Takes note* of the recommendations adopted by consensus by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on 21 March 2003, at its first session;[8]

32. *Notes* that the Working Group will continue its future sessions on the basis of the thematic approach adopted during its first session, and notes with appreciation that to this end the next session of the Working Group, which the representative of Chile has expressed interest in chairing, will analyse the themes relating to poverty eradication and education;

33. *Notes* the convening of the sessions of the Working Group of Experts on People of African Descent, the renewal of its mandate and the adjustments effected thereto;

34. *Welcomes* the inaugural session of the group of independent eminent experts, held at Geneva from 16 to 18 September 2003, with the participation of representatives of Member States, the United Nations system and civil society, takes note of its substantive outcome, and in this context requests the United Nations High Commissioner for Human Rights to examine the possibility of the development of a racial equality index, as proposed by the group of independent eminent experts, and to report thereon to the Commission on Human Rights;

35. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] on 1 July 2003, and invites all States that have not yet done so to consider acceding to that important instrument;

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[8] See E/CN.4/2003/20.

[9] Resolution 45/158, annex.

36. *Notes with satisfaction* the progress made during the first and second sessions of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, held in New York from 29 July to 9 August 2002 and from 15 to 26 July 2003;

37. *Notes with appreciation* the first and second sessions of the Permanent Forum on Indigenous Issues, held in New York on 13 and 14 May 2002 and from 12 to 23 May 2003;

38. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the United Nations High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

39. *Encourages* improvements in the current efforts of the Anti-Discrimination Unit in providing strong leadership and greater support to the mechanisms created by the Commission on Human Rights to follow up the implementation of the Durban Declaration and Programme of Action;

IV
Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

40. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action, and calls for its full implementation at the national, regional and international levels;

41. *Decides*, after considering the report of the Secretary-General[10] on the extent of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to close the Third Decade;

42. *Decides also*, as part of the activities to combat racism, racial discrimination, xenophobia and related intolerance, to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism;

V
Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

43. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

[10] A/58/80-E/2003/71

44. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

45. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

46. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities;

47. *Also requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

48. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

49. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

50. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

51. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session;

52. *Takes note with appreciation* of the recommendations contained in the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[11] and encourages the continuation of his work;

53. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur, and invites other relevant stakeholders to implement those recommendations;

54. *Calls upon* the Special Rapporteur, in carrying out his mandate, to pay special attention to the increasing frequency of incidents of racism at various sporting events;

[11] See A/58/313.

VI
General

55. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-ninth session;

56. *Decides* to remain seized of this important matter under the item entitled "Elimination of racism and racial discrimination" at its fifty-ninth session.

25. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of the elimination of racism and racial discrimination

The General Assembly takes note of the following documents:

(a) Report of the Committee on the Elimination of Racial Discrimination;[1]

(b) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.[2]

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18).
[2] A/58/324.

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 24th to 29th , 36th, 39th, 43rd and 53rd meetings, from 24 to 31 October and on 7, 11, 13 and 20 November 2003. At its 24th to 29th meetings, the Committee held a general discussion on item 116 jointly with item 115. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.24-29, 36, 39, 43 and 53).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/58/180);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/58/115);

(c) Letter dated 2 October 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the declaration and the statement on Palestine adopted by the Ministers for Foreign Affairs of the Non-Aligned Movement at their meeting held at United Nations Headquarters on 26 September 2003 (A/58/420);

(d) Letter dated 3 October 2003 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the

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Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 30 September 2003 (A/58/415-S/2003/952).

4. At the 24th meeting, on 24 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance made introductory statements (see A/C.3/58/SR.24).

5. At the same meeting, the Committee engaged the above-mentioned speakers in a dialogue, in which the representatives of Italy, Egypt, Canada, the Syrian Arab Republic, the Sudan, Cuba, Côte d'Ivoire, Guyana, Benin, Pakistan, Israel and the Islamic Republic of Iran took part.

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.31

6. At the 36th meeting, on 7 November, the representative of Pakistan, on behalf of Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, the Democratic Republic of the Congo, the Dominican Republic, Egypt, Eritrea, the Islamic Republic of Iran, Iraq, Kenya, Kuwait, the Libyan Arab Jamahiriya, Malaysia, the Niger, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Suriname, Thailand, Togo, the United Arab Emirates, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/58/L.31). Subsequently, Armenia, the Comoros, El Salvador, Madagascar, Mauritania and Mozambique joined in sponsoring the draft resolution.

7. At the 52nd meeting, on 20 November, statements were made by the representatives of Pakistan, Singapore, Algeria, India, Malaysia, Italy, Egypt, Chile and Liechtenstein (see A/AC.3/58/SR.52).

8. At the same meeting, the representative of the Office of Legal Affairs made a statement (see A/C.3/58/SR.52).

9. Subsequently, Benin, Botswana, the Dominican Republic, Kenya and Saint Vincent and the Grenadines withdrew as sponsors of the draft resolution.

10. At the 53rd meeting, on 20 November, the representative of India made a statement (see A/C.3/58/SR.53).

11. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.31 by a recorded vote of 88 to 3, with 64 abstentions (see para. 25, draft resolution I). The voting was as follows:[1]

[1] The delegations of the Dominican Republic and Turkmenistan subsequently indicated that, had they been present during the vote, they would have voted in favour of the draft resolution. The delegations of Fiji and Nepal subsequently indicated that, had they been present, they would have abstained.

In favour:

Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Honduras, Iran (Islamic Republic of), Ireland, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen.

Against:

Bhutan, India, Mauritius.

Abstaining:

Andorra, Antigua and Barbuda, Bahamas, Barbados, Belgium, Belize, Benin, Botswana, Cambodia, Colombia, Côte d'Ivoire, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guyana, Hungary, Iceland, Indonesia, Israel, Italy, Jamaica, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Micronesia (Federated States of), Monaco, Namibia, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

12. After the draft resolution was adopted, statements were made by the representatives of Myanmar, the United States of America, Argentina, Armenia, Cyprus, Burkina Faso, the United Kingdom of Great Britain and Northern Ireland, Indonesia, Nepal, Canada (also on behalf of Australia and New Zealand), Liechtenstein, Ethiopia, Portugal, the Dominican Republic, Mongolia, Turkmenistan, Fiji, Austria and Cape Verde (see A/C.3/58/SR.53).

13. Also at the same meeting, statements were also made by the representatives of Pakistan, Bangladesh, Malaysia, the Islamic Republic of Iran, Ireland, Cuba, India, Thailand, Nigeria, Republic of Korea, Croatia and Bulgaria (see A/C.3/58/SR.53).

B. Draft resolution A/C.3/58/L.32

14. At the 39th meeting, on 11 November, the representative of Cuba, on behalf of Algeria, Angola, Burundi, China, the Congo, Costa Rica, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, India, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Malawi, Myanmar, Nigeria, Peru, the Russian

Federation, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/58/L.32). Subsequently, Benin, Cambodia, the Comoros, Côte d'Ivoire, the Gambia, Ghana, Madagascar, Namibia, Pakistan and Zambia joined in sponsoring the draft resolution.

15. At the same meeting, the representative of Cuba orally revised the draft resolution by replacing operative paragraph 11, which read:

> "11. *Expresses its appreciation* for the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Special Rapporteur, with the Secretary-General's assistance, to circulate it to the Member States and to seek their views and comments in order to report to the General Assembly at its fifty-ninth session as additional contributions to the discussion preceding the review of amendments to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries",

with the following text:

> "11. *Takes note with appreciation* of the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Secretary-General to circulate it to the Member States and to seek their views to include them in the report of the Special Rapporteur to the General Assembly at its fifty-ninth session".

16. At the 43rd meeting, on 13 November, the Secretary of the Committee read out a statement by the Director of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Accounts in connection with the draft resolution (see A/C.3/58/SR.43).

17. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.32, as orally revised, by a recorded vote of 111 to 23, with 27 abstentions (see para. 25, draft resolution II). The voting was as follows:[2]

In favour:

> Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone,

[2] The delegation of Rwanda subsequently indicated that it had intended to vote in favour of the draft resolution.

Singapore, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Japan, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Rwanda, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Australia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Greece, Ireland, Kazakhstan, Latvia, Liechtenstein, Malta, Nauru, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey.

18. Before the adoption of the draft resolution, a statement was made by the representative of Italy, on behalf of the States Members of the United Nations that are members of the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, as well as Bulgaria, Romania and Turkey (see A/C.3/58/SR.43).

19. After the adoption of the draft resolution, statements were made by the representatives of Argentina, Armenia, New Zealand (also on behalf of Canada, Australia, Liechtenstein, Switzerland and Norway) and Azerbaijan (see A/C.3/58/SR.43).

C. Draft resolution A/C.3/58/L.35

20. At the 36th meeting, on 7 November, the representative of Egypt, on behalf of Algeria, Andorra, Armenia, Austria, Bahrain, Bangladesh, Belgium, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, Chile, China, the Congo, Cuba, Cyprus, Denmark, Djibouti, Egypt, Ethiopia, Finland, France, Greece, India, Indonesia, Ireland, Japan, Jordan, Kenya, Kuwait, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Morocco, the Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, South Africa, Spain, the Sudan, Sweden, Tunisia, Turkey, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yemen, Zambia and Palestine,[3] introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/58/L.35). Subsequently, Afghanistan, Antigua and Barbuda, Azerbaijan, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Cape Verde, the Comoros, Croatia, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Eritrea, Estonia, the Gambia, Germany, Guinea-Bissau, Guyana, Hungary, Iceland, Latvia, the Lao People's Democratic Republic, Lesotho, Madagascar, Mali, Mauritania, Monaco, Mozambique, Namibia, the Netherlands, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Slovakia, Slovenia, Somalia, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Zimbabwe joined in sponsoring the draft resolution.

[3] In accordance with General Assembly resolution 52/250.

21. At its 43rd meeting, on 13 November, the Committee adopted draft resolution A/C.3/58/L.35 by a recorded vote of 159 to 2, with no abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

22. Before the draft resolution was adopted, a statement was made by the representative of Italy (on behalf of the States Members of the United Nations that are members of the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, as well as Bulgaria, Romania and Turkey) (see A/C.3/58/SR.43).

23. After the draft resolution was adopted, statements were made by the representatives of Israel, Canada, Australia, Egypt and Yemen.

24. The observer of Palestine also made a statement[3] (see A/C.3/58/SR.43).

III. Recommendations of the Third Committee

25. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its fifty-ninth[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 57/197 of 18 December 2002,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, which, inter alia, upholds the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/58/180.

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-ninth session under the item entitled "Right of peoples to self-determination".

Draft resolution II
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 57/196 of 18 December 2002, and taking note of Commission on Human Rights resolution 2003/2 of 14 April 2003,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenaries in Africa,[2]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] Resolution 2625 (XXV), annex.

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[4]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies' intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[5] and calls upon all States that have not yet done so to consider taking the necessary action to accede to or ratify the Convention;

7. *Welcomes also* the cooperation extended by those countries that have received visits from the Special Rapporteur;

8. *Welcomes further* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

10. *Welcomes* the organization, in compliance with General Assembly resolution 56/232 of 24 December 2001, of the second meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note of its conclusions;

11. *Takes note with appreciation* of the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Secretary-General to circulate it to

[4] See A/58/115.

[5] Resolution 44/34, annex.

the Member States and to seek their views to include them in the report of the Special Rapporteur to the General Assembly at its fifty-ninth session;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

13. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities;

14. *Recommends* that the Commission on Human Rights renew the mandate of the Special Rapporteur for a period of three years;

15. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

17. *Requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its fifty-ninth session his findings on the use of mercenaries to undermine the right of peoples to self-determination;

18. *Decides* to consider at its fifty-ninth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling further the United Nations Millennium Declaration,[6]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.174 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.

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Human rights questions

Report of the Third Committee*

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

"(e) Report of the United Nations High Commissioner for Human Rights"

and to allocate it to the Third Committee.

2. An account of the Third Committee's consideration of the item is given in the addenda to the present report.

3. For its consideration of the item, the Committee had before it the following documents:

* The report of the Committee on this item will be issued in six parts, under the symbol A/58/508 and Add.1-5.

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Item 117
Human rights questions

Letter dated 3 October 2003 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 30 September 2003 (A/58/415-S/2003/952)

Letter dated 2 October 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the declaration and the statement on Palestine adopted by the Ministers for Foreign Affairs of the Non-Aligned Movement at their meeting held at United Nations Headquarters on 26 September 2003 (A/58/420)

Letter dated 12 November 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/58/594-S/2003/1090)

Item 117 (a)
Implementation of human rights instruments

Relevant sections of the report of the Economic and Social Council for 2003[1]

Report of the Human Rights Committee[2]

Report of the Committee against Torture[3]

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/58/221)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/58/284)

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/58/306)

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/58/307)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/58/326)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment (A/58/120)

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[1] A/58/3 (Parts I and II); for the final text, see *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 3* (A/58/3/Rev.1).

[2] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I.

[3] Ibid., *Supplement No. 44* (A/58/44).

Note by the Secretariat transmitting the report of the chairpersons of the human rights treaty bodies on their fifteenth meeting, held at Geneva from 23 to 27 June 2003 (A/58/350)

Letter dated 13 June 2003 from the Permanent Representative of Liechtenstein to the United Nations addressed to the Secretary-General, transmitting the report of a meeting on reform of the human rights treaty body system, held in Malbun, Liechtenstein, from 4 to 7 May 2003 (A/58/123)

Letter dated 9 October 2003 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/58/429-S/2003/982)

Letter dated 27 October 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/58/541-S/2003/1049)

Letter dated 17 November 2003 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/58/603-S/2003/1101)

Letter dated 4 November 2003 from the Permanent Representative of Croatia to the United Nations addressed to the President of the General Assembly (A/C.3/58/8)

Item 117 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on the protection of migrants (A/58/121)

Report of the Secretary-General on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities (A/58/181 and Add.1)

Report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/58/185 and Add.1-2)

Report of the Secretary-General on human rights and mass exoduses (A/58/186)

Report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/58/212)

Report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/58/255)

Report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/58/257)

Report of the Secretary-General on national institutions for the promotion and protection of human rights (A/58/261)

Report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/58/266)

Report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/58/268)

Report of the Secretary-General on the right to development (A/58/276 and Add.1)

Report of the Secretary-General on human rights and unilateral coercive measures (A/58/279)

Report of the Secretary-General on human rights and cultural diversity (A/58/309)

Report of the Secretary-General on human rights and terrorism (A/58/533)

Note by the Secretary-General transmitting the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/58/118 and Corr.1)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants (A/58/275)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief (A/58/296)

Note by the Secretary-General transmitting the report of his Special Representative for human rights in Cambodia (A/58/317)

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on education and public information activities in the field of human rights (A/58/318)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the right to food (A/58/330)

Note by the Secretary-General transmitting the report of his Special Representative on human rights defenders (A/58/380)

Letter dated 9 October 2003 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/58/429-S/2003/982)

Letter dated 27 October 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/58/541-S/2003/1049)

Letter dated 17 November 2003 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/58/603-S/2003/1101)

Letter dated 7 November 2003 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/C.3/58/9 and Add.1)

Item 117 (c)
Human rights situations and reports of special rapporteurs and representatives

Note by the Secretary-General transmitting the report of the mission of the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and of a member of the Working Group on Enforced or Involuntary Disappearances of the Commission (A/58/127)

Note by the Secretary-General on the human rights situation of the Lebanese detainees in Israel (A/58/218)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar (A/58/219)

Report of the Secretary-General on the human rights situation in Myanmar (A/58/325)

Note by the Secretary-General concerning the report of the independent expert on the situation of human rights in Afghanistan (A/58/334)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/58/338)

Note by the Secretary-General transmitting the report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone (A/58/379)

Note by the Secretary-General transmitting the report of his Special Representative on internally displaced persons (A/58/393)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan (A/58/421)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to enjoy the highest attainable standard of physical and mental health (A/58/427)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/58/448)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo (A/58/534)

Letter dated 21 October 2003 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/58/6)

Item 117 (d)
Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

No documents were submitted under this sub-item.

Item 117 (e)
Report of the United Nations High Commissioner for Human Rights

Report of the United Nations High Commissioner for Human Rights[4]

[4] Ibid., *Supplement No. 36* (A/58/36).

II. Consideration of a draft decision proposed by the Chairman

4. At its 60th, 61st and 62nd meetings, on 28 November and 1 December 2003, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of documents considered in connection with the question of human rights (see para. 5).

III. Recommendation of the Third Committee

5. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of human rights

The General Assembly takes note of the following documents submitted under the item entitled "Human rights questions":

Under sub-item (a):

(a) Report of the Human Rights Committee;[1]

(b) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[2]

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3]

(d) Note by the Secretariat transmitting the report of the chairpersons of the human rights treaty bodies on their fifteenth meeting, held at Geneva from 23 to 27 June 2003;[4]

Under sub-item (b):

(a) Report of the Secretary-General on the protection of migrants;[5]

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants;[6]

(c) Report of the Secretary-General on the right to development;[7]

(d) Report of the Secretary-General on human rights and unilateral coercive measures;[8]

(e) Note by the Secretary-General transmitting the report of his Special Representative on human rights defenders;[9]

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I.
[2] A/58/306.
[3] A/58/326.
[4] A/58/350.
[5] A/58/121.
[6] A/58/275.
[7] A/58/276.
[8] A/58/279.
[9] A/58/380.

Under sub-item (c):

(a) Note by the Secretary-General on the human rights situation of the Lebanese detainees in Israel;[10]

(b) Note by the Secretary-General regarding the report of the independent expert on the situation of human rights in Afghanistan;[11]

(c) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq;[12]

(d) Note by the Secretary-General transmitting the report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone;[13]

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan;[14]

(f) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi;[15]

Under sub-item (e):

Report of the United Nations High Commissioner for Human Rights.[16]

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[10] A/58/218.
[11] A/58/334.
[12] A/58/338.
[13] A/58/379.
[14] A/58/421.
[15] A/58/448.
[16] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 36* (A/58/36).

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Agenda item 117 (a)

Human rights questions: implementation of human rights instruments

Report of the Third Committee

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session, under the item entitled "Human rights questions", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item at its 35th and 36th meetings, on 6 and 7 November 2003, and took up proposals relating to the sub-item at its 42nd, 43rd, 54th and 60th meetings, on 12, 13 and 21 and 28 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/58/SR.35, 36, 42, 43, 54 and 60).

3. For the documents before the Committee under this sub-item, see A/58/508.

4. At the 35th meeting, on 6 November, the Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/58/SR.35).

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.42

5. At the 42nd meeting, on 12 November, the representative of Denmark, on behalf of Afghanistan, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, the Congo, Costa

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Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Eritrea, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Monaco, Mozambique, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zambia, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/58/L.42). Subsequently, Benin, Belarus, Bolivia, Côte d'Ivoire, Ecuador, El Salvador, Estonia, Ethiopia, Jordan, Kenya, Malawi, Mauritius, the Federated States of Micronesia, Mongolia, Namibia, the Niger, Paraguay and Turkey joined in sponsoring the draft resolution.

6. At the same meeting, the representative of Denmark orally revised the draft resolution by inserting the word "and" after the words "on 25 June 1993" in operative paragraph 2, and by replacing the word "*Welcomes*" by the words "*Notes with appreciation*" in operative paragraph 17.

7. At the 43rd meeting, on 13 November, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.43).

8. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.42, as orally revised, without a vote (see para. 23, draft resolution I).

B. Draft resolution A/C.3/58/L.44

9. At the 42nd meeting, on 12 November, the representative of Sweden, on behalf of Argentina, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and Ukraine, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/58/L.44). Subsequently, Bolivia, Brazil, Estonia, Lesotho, Malta, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Venezuela joined in sponsoring the draft resolution.

10. At the 54th meeting, on 21 November, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.54).

11. At the same meeting, the representative of Sweden orally revised the draft resolution as follows:

(a) In operative paragraph 3, the word "accede" was replaced by the words "consider as a matter of priority acceding", and the words "to make" were replaced by the word "making";

(b) Operative paragraph 25, which read:

"25. *Recognizes* the importance of further considering the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights as well as the need for further efforts towards developing indicators and benchmarks in order to strengthen progressively the full realization and enjoyment of these rights",

was replaced by:

"25. *Notes* the need for further consideration of the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the Covenant".

12. Also at the 54th meeting, the representative of the United States of America orally proposed an amendment to the draft resolution by which the word "become" would be replaced by the words "consider becoming" in operative paragraph 3.

13. At the same meeting, the Committee voted on the amendment proposed by the representative of the United States. The amendment was rejected by a recorded vote of 13 to 116, with 24 abstentions. The voting was as follows:

In favour:

Afghanistan, Brunei Darussalam, Colombia, Cuba, India, Israel, Malaysia, Oman, Pakistan, Philippines, Saudi Arabia, Singapore, United States of America.

Against:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Abstaining:

Albania, Antigua and Barbuda, Azerbaijan, Bangladesh, Benin, Bhutan, Burkina Faso, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Fiji, Gabon, Guinea, Guyana, Haiti,

Madagascar, Nauru, Nepal, Rwanda, Togo, Tuvalu, Uganda, United Republic of Tanzania.

14. Before the vote on the amendment, statements were made by the representatives of Argentina, the United Kingdom and New Zealand (see A/C.3/58/SR.54).

15. The Committee then adopted draft resolution A/C.3/58/L.44, as orally revised, without a vote (see para. 23, draft resolution II).

16. After the adoption of the draft resolution, the representatives of the Sudan, the Syrian Arab Republic, Mali, the Niger and Pakistan made statements (see A/C.3/58/SR.54).

C. Draft resolution A/C.3/58/L.45

17. At the 42nd meeting, on 12 November, the representative of Mexico, on behalf of Azerbaijan, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Paraguay, Peru, the Philippines, Senegal and Uruguay, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/58/L.45). Subsequently, Bangladesh, Bolivia, Burkina Faso, Cape Verde, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, the Gambia, the Niger, Nigeria, Mali, the Sudan, Tunisia and Uganda joined in sponsoring the draft resolution.

18. At the same meeting, the representative of Mexico orally corrected the draft resolution by replacing the words "in due time" by the words "in a timely manner" in operative paragraph 7.

19. At the 43rd meeting, on 13 November, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.43).

20. At the same meeting, the representative of Mexico orally revised the draft resolution by replacing the words "*Expresses its appreciation* for" by the words "*Takes note* of" in operative paragraph 5.

21. Also at the 43rd meeting, the Committee adopted draft resolution A/C.3/58/L.45, as orally corrected and revised, without a vote (see para. 23, draft resolution III).

D. Draft decision proposed by the Chairman

22. At its 60th meeting, on 28 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 24):

(a) Report of the Human Rights Committee;[1]

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40).

(b) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/58/306);

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/58/326);

(d) Note by the Secretariat transmitting the report of the chairperson of the human rights treaty bodies on their fifteenth meeting, held at Geneva from 23 to 27 June 2003 (A/58/350).

III. Recommendations of the Third Committee

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling also that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict, and that the prohibition of torture is explicitly affirmed in all relevant international instruments,

Recalling further all previous resolutions or decisions on torture and other cruel, inhuman or degrading treatment or punishment of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 57/200 of 18 December 2002 and Commission resolution 2003/32 of 23 April 2003,[4]

Recalling the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[5] that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which play an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 3452 (XXX), annex.

[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] A/CONF.157/24 (Part I), chap. III.

Mindful of its proclamation, in its resolution 52/149 of 12 December 1997, of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[6]

2. *Urges* all Governments to promote the full implementation of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[5] and stresses in particular that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and that national legal systems should ensure that the victims of such acts obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, and encourages the development of rehabilitation centres for victims of torture;

3. *Takes note* of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to its resolution 55/89 of 4 December 2000 as a useful tool in efforts to combat torture;

4. *Urges* Governments to take effective measures to provide redress and to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;

5. *Stresses* that, under article 4 of the Convention, torture must be made an offence under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and that the perpetrators are liable to prosecution and punishment;

6. *Notes with appreciation* that one hundred and thirty-four States have become parties to the Convention, and urges all States that have not yet done so to become parties to the Convention as a matter of priority;

7. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

8. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

9. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

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[6] Resolution 39/46, annex.

10. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

11. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 10 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

12. *Calls upon* States parties to consider signing and ratifying the Optional Protocol to the Convention, adopted by the General Assembly in its resolution 57/199 of 18 December 2002, which provides further measures for use in the fight against and the prevention of torture, and notes in this context that ratifications by twenty States parties are required for the Optional Protocol to enter into force, and that twenty-one States have already signed the Protocol and two States have ratified it;

13. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

14. *Welcomes* the work of the Committee against Torture and the report of the Committee,[7] submitted in accordance with article 24 of the Convention;

15. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

16. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

17. *Notes with appreciation* the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture,[8] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

18. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, with the aim of enhancing further their effectiveness and mutual cooperation;

19. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other

[7] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 44* (A/58/44).

[8] See A/58/120.

cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

20. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to requests by the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur in following up his recommendations;

21. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular to urgent appeals, to credible and reliable information that comes before him, and invites the Special Rapporteur to continue to seek the views and comments of all concerned, in particular Member States;

22. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

23. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

24. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;[9]

25. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

26. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

27. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for victims of torture and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

28. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

[9] See A/58/284.

29. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel and health-care personnel matters relating to the protection of human rights and the prevention of torture, while bearing in mind a gender perspective;

30. *Requests* the Secretary-General to submit to the Commission on Human Rights at its sixtieth session and to the General Assembly at its fifty-ninth session a report on the status of the Convention and a report on the operations of the Fund;

31. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

32. *Decides* to consider at its fifty-ninth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture.

Draft resolution II
International Covenants on Human Rights

The General Assembly,

Recalling its resolution 56/144 of 19 December 2001 and Commission on Human Rights resolution 2002/78 of 25 April 2002,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General[4] on the status of the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and the Optional Protocols to the International Covenant on Civil and Political Rights,[5]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Welcomes once again* the initiative of the Secretary-General at the Millennium Assembly of the United Nations to invite heads of State and Government to sign, ratify or accede to the International Covenants on Human Rights, and expresses its appreciation to those States that have done so;

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[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] A/58/307.

[5] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

3. *Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as to consider as a matter of priority acceding to the Optional Protocols to the International Covenant on Civil and Political Rights[5] and making the declaration provided for in article 41 of the Covenant;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. *Also emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights;

7. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in this regard particularly takes note of General Comment No. 29 adopted by the Human Rights Committee;[6]

8. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

9. *Also encourages* States parties to review regularly any reservations made in respect of the provisions of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights with a view to withdrawing them;

10. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-seventh[7] and fifty-eighth[8] sessions, and takes note of the General Comments adopted by the Committee;[9]

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[6] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

[7] Ibid., *Fifty-seventh Session, Supplement No. 40* (A/57/40).

[8] Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40).

[9] See HRI/GEN/1/Rev.6.

11. *Welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its twenty-fifth, twenty-sixth and twenty-seventh sessions[10] and on its twenty-eighth and twenty-ninth sessions,[11] and takes note of the General Comments adopted by the Committee;[9]

12. *Urges* States parties to fulfil their reporting obligations under article 40 of the International Covenant on Civil and Political Rights on time and to attend and participate in the consideration of the reports by the Human Rights Committee when so requested, and in this regard takes note of General Comment No. 30 adopted by the Committee;[9]

13. *Also urges* States parties to fulfil their reporting obligations under article 16 of the International Covenant on Economic, Social and Cultural Rights on time and to attend and participate in the consideration of the reports by the Committee on Economic, Social and Cultural Rights when so requested;

14. *Further urges* States parties to make use in their reports of gender-disaggregated data, and stresses the importance of taking fully into account a gender perspective in the implementation of the Covenants at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights;

15. *Strongly encourages* States parties that have not yet submitted core documents[12] to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents;

16. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

17. *Invites* States parties to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the recommendations and observations made by the Committees after the examination of those reports;

18. *Urges* all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

19. *Urges* each State party to translate, publish and make available as widely as possible in its territory by appropriate means the full text of the concluding observations on its reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

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[10] *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22).

[11] Ibid., *2003, Supplement No. 2* (E/2003/22).

[12] See HRI/CORE/1 and addenda.

20. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, as well as to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

21. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

22. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

23. *Welcomes* the meeting held by the Human Rights Committee and States parties, in October 2002, and the meeting held by the Committee on Economic, Social and Cultural Rights and States parties, in May 2003, to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

24. *Also welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

25. *Notes* the need for further consideration of the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the Covenant;

26. *Takes note with interest* of the establishment by the Commission on Human Rights at its fifty-ninth session of an open-ended working group with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights and making specific recommendations on its course of action concerning the question of such an optional protocol, and encourages all parties to participate actively in the first session of the working group;

27. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of that Covenant, and expresses its appreciation to those that have done so;

28. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities available under the programme of advisory services in the field of human rights;

29. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

30. *Welcomes* the initiative of the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps, in particular through the Department of Public Information of the Secretariat, to give more publicity to the work of that Committee and of the Committee on Economic, Social and Cultural Rights;

31. *Requests* the Secretary-General to submit to the General Assembly at its sixtieth session, under the item entitled "Human rights questions", a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

Draft resolution III
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Guided by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5] and reaffirming the obligation of States to promote and protect human rights and fundamental freedoms,

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Recalling that, despite the existence of an already established body of principles and norms, there is an urgent need to make further efforts worldwide to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Conscious of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Deeply concerned at the grave situation of vulnerability of migrant workers and members of their families,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia directed against migrant workers by individuals or groups in segments of many societies,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] A/CONF.157/24 (Part I), chap. III.

1. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[7] on 1 July 2003;

2. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in various parts of the world;

3. *Welcomes* the signature or ratification of or accession to the Convention by some States, and takes note of the report of the Secretary-General on the status of the Convention;[8]

4. *Calls once again upon* all Member States that have not yet ratified the Convention to consider urgently signing and ratifying or acceding to it;

5. *Takes note* of the arrangements for the initial meeting of States parties to the Convention, to be held on 11 December 2003;

6. *Requests* the Secretary-General to make all necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, referred to in article 72 of the Convention;

7. *Calls upon* States parties to the Convention to submit in a timely manner their first periodic report, as requested in article 73 of the Convention;

8. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

9. *Welcomes* the increasing activities of the global campaign for the entry into force of the Convention, and invites the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

10. *Also welcomes* the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in relation to the Convention, and encourages her to persevere in that endeavour;

11. *Requests* the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its fifty-ninth session;

12. *Decides* to consider the report of the Secretary-General at its fifty-ninth session under the sub-item entitled "Implementation of human rights instruments".

[7] Resolution 45/158, annex.

[8] A/58/221.

24. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of the implementation of human rights instruments

The General Assembly takes note of the following reports:

(a) Report of the Human Rights Committee;[1]

(b) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[2]

(c) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[3]

(d) Note by the Secretariat transmitting the report of the chairpersons of the human rights treaty bodies on their fifteenth meeting, held at Geneva from 23 to 27 June 2003.[4]

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[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40* (A/58/40).
[2] A/58/306.
[3] A/58/326.
[4] A/58/350.